



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Paul Lehmann

Group: 1647

Serial No. 10/047,749 filed October 23, 2001
(Ref. No. 20356 US1)

Examiner: Nichols, Christopher J.

RECEIVED
SEP 03 2003
TECH CENTER 1600/2900

For: **METHOD FOR TREATING DISTURBANCES IN IRON METABOLISM USING
A COMBINATION OF ERYTHROPOIETIN AND IRON**

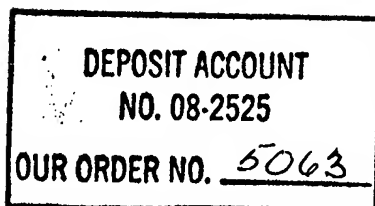
TERMINAL DISCLAIMER

Nutley, New Jersey 07110
August 27, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Roche Diagnostics GmbH, a German company, having an office at 116 Sandhoffer
Strasse, D-68305, Mannheim, Germany, is the assignee of the entire right, title and interest in
and to the invention described and claimed in the captioned application for Letters Patent of the
United States, and in and to said application and in and to any and all Letters Patent of the United
States which may issue from said application, by virtue of an Assignment by Paul Lehmann to
Roche Diagnostics GmbH, recorded in the United States Patent and Trademark Office on
November 15, 1999 at reel 010384, frame 0976.



Roche Diagnostics GmbH hereby certifies that the evidentiary documents have been reviewed, and, to the best of Roche Diagnostics GmbH's knowledge and belief, title to the captioned application is in Roche Diagnostics GmbH.

Roche Diagnostics GmbH hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application which would extend beyond the expiration date, including any extension obtained under 35 USC 156, of U.S. Patent No. 6,372,715 B1 issued April 16, 2002.

Roche Diagnostics GmbH further agrees that any patent so granted on the captioned application, together with any right to recover for its violation, shall be enforceable only for and during such period that the legal title to any patent granted on the captioned application shall be the same as the legal title to U.S. Patent No. 6,372,751 B1 issued April 16, 2002. This agreement to run with any patent granted on the captioned application and to be binding upon the grantee, its successors or assigns.

Roche Diagnostics GmbH does not disclaim the terminal part of the term of any patent granted on the captioned application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,372,751 B1 issued April 16, 2002, as presently shortened by any terminal disclaimer, in the event that said patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent

jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Roche Diagnostics GmbH makes the above disclaimer without prejudice to its rights to extend, under 35 U.S.C. 154-156, the term of any U.S. patent granted on the captioned application beyond the term provided by this Terminal Disclaimer.

The undersigned has authority to sign on behalf of Roche Diagnostics GmbH by virtue of the power of attorney executed on August 27, 1999, filed in the US Patent and Trademark Office on September 14, 1999.

The statutory fee of one hundred ten dollars (\$110.00) is being charged to Deposit Account No. 08-2525 as per the document submitted herewith in triplicate. The Commissioner is hereby authorized to charge any fees which may be required, or credit any over payment to Account No. 08-2525.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Nutley, State of New Jersey, this 27th day of August, 2003.

On behalf of
ROCHE DIAGNOSTICS GmbH

By: 

George W. Johnston
Vice President,
Hoffmann-La Roche Inc.

133552